

A Primer on “Aggregate Extraction” Mining in Utah

When is aggregate extraction
considered “mining” under Utah
law?

- Mary Ann Wright, Associate Director Mining



1975 Utah Mining statute

- A mining industry is essential to the economic and physical well-being of the state of Utah and the Nation.
- It is necessary to alter the surface of the earth to extract minerals required by our society, but this should be done in such a way as to minimize undesirable effects on the surroundings.



History

- Utah Mined Land Reclamation Act **1975**
 - * **Included** sand and gravel as mining
- MLRA was amended **1987**
 - * **Excluded** sand gravel and rock aggregate from mining definition



1987 Legislative Session

- “Sometimes you deal with sand and gravel, House members, you get some big rocks in there. And you kinda make small ones out of them. This is the aggregate part of it.”
- Quote of Rep. Christensen, H.B. 311, Leg History, 1987



SGRA Rulemaking

- 1997 Rulemaking to define SGRA terms
- 1998 Rules became final
- 1999 Appealed by AGC to 3rd District Court - Rulemaking upheld
- 2001 AGC Appealed to Supreme Court
Rulemaking upheld 12/2001




Issues of AGC Appeal

- Wanted definition by “end use” - what the end product is called, i.e. rock aggregate
- Wanted definition by “no greater intrinsic value than the material in which it is contained” argument
- OGM did improper rulemaking



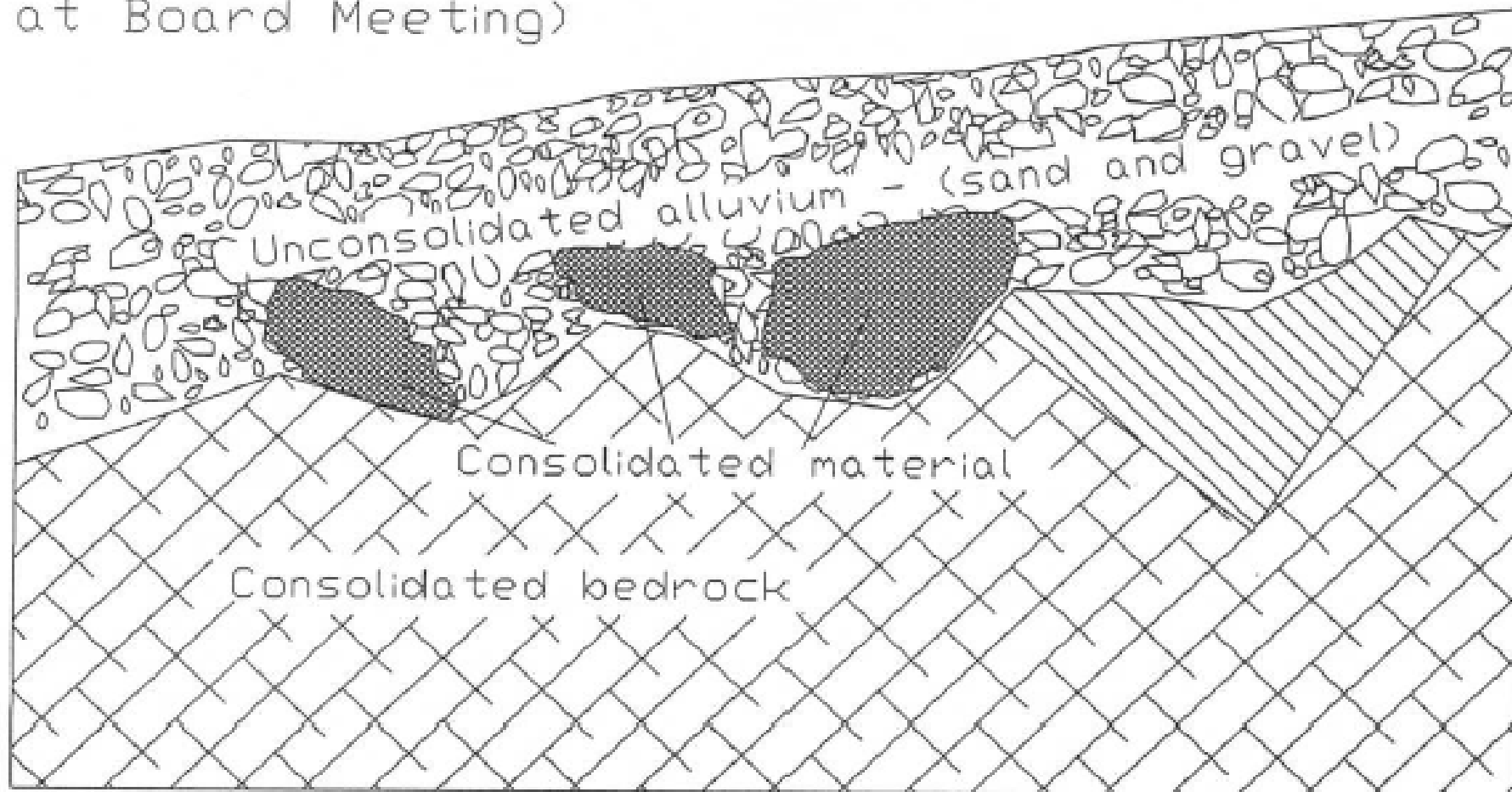
Definitions

Sand	1/16mm to 2mm, deposited by sedimentary processes
Gravel	2mm to 10mm deposited by sedimentary processes
Rock Aggregate	Associated with sand, gravel deposit /sedimentary processes -Excludes solid bedrock exposed at the surface



SGRA exemption applies to
unconsolidated sand or gravel
and larger rocks associated
with sand or gravel

DIAGRAMMATIC CROSS-SECTION of SAND and GRAVEL DEPOSIT (for discussion at Board Meeting)



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Drawn by
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Date
May 13, 1997
File - 0:\ACAD\JL\050597

Diagrammatic
Cross-section

Scale - not to scale

So... what is regulated mining?

In regard to Sand, Gravel & Rock Aggregate



Mining Is When the SGRA Operator:

- Is no longer mining unconsolidated alluvial material
- Is mining into the bedrock
- Is using a pattern of explosives to mine the bedrock
- Is no longer in 'rip-able' material, and is therefore mining consolidated bedrock




Let's look at some examples

- Example #1

- Blasting into bedrock

- Example #2

- Blasting is being used in place of ripping



This site has extracted the majority of sand and gravel at the site

- They are currently using pattern blasting on bedrock to achieve the same/similar product as before






A photograph showing a hillside with a barbed wire fence. A sign is attached to the fence, reading "DANGER EXPLOSIVES KEEP OFF". The sign has a red oval with "DANGER" in white, and "EXPLOSIVES" and "KEEP OFF" in black text on a white background. The hillside is rocky and sparsely vegetated. In the background, a city is visible in a valley, and a large mountain peak is on the left. A small yellow vehicle is visible on the hillside near the fence.

DANGER
EXPLOSIVES
KEEP OFF





This site is still extracting sand and gravel in some areas


- But is also using ripping to mine the
bedrock












If mining is in the bedrock, it is “regulated mining”

- OGM is clear on what is regulated
- But, the issues of Sand Gravel Rock Aggregate extraction in Utah still remains



This is what is exempt:

- Sand extraction
- Gravel extraction
- Rock aggregate extraction when associated with a sand and gravel deposit



At first glance, this exempt
extraction looks much like
regulated mining

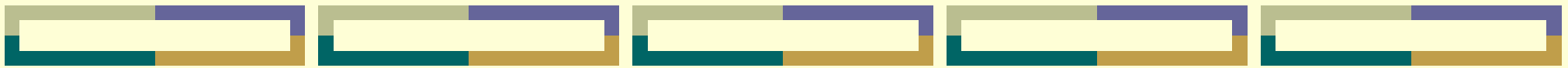
This is an example:





2003 Legislation

- Authorized a Task Force Study of the Impact of Gravel Pits
- Purpose: to study the operations of gravel pits in the state and their impact on the surrounding environment and infrastructure



The Legislative Task Force studied the issue of sand, gravel and rock aggregate extraction

- They studied the following:



Issues of SGRA

- Noise, lights and Operation times
- Dust – Air quality
- Aesthetics
- Safety
- Real Estate values
- Road wear
- Water quality



Task Force findings:

- Recommendation: Change the statute to delete current exemption for SGRA
- This change did not go forward since Legislators were not convinced of this as the solution to the SGRA issues.



State regulation of Sand and gravel:

 Yes, Regulated

CO

AZ

ID

MT

WA

OR

CA – by county

 No, NOT Regulated

NV

NM

UT

WY